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Attorneys for Plaintiff  
ARTIFEX SOFTWARE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARTIFEX SOFTWARE INC.,

Plaintiff,

v.

DIEBOLD INC., an Ohio corporation,  
PREMIER ELECTION SOLUTIONS, INC.,  
a Delaware corporation,

Defendants.

Case No. C 08-04837 SC

**STIPULATION CONTINUING THE  
HEARING DATE FOR DEFENDANT  
DIEBOLD INC.'S FRCP 12(B)(6)  
MOTION TO DISMISS PLAINTIFF'S  
CLAIM AGAINST DIEBOLD, INC.**

IT IS HEREBY STIPULATED AND AGREED between Plaintiff Artifex Software Inc.  
("Plaintiff") and Defendants Diebold Inc. and Premier Election Solutions, Inc. (together  
"Defendants"), by and through their undersigned counsel, that pursuant to Northern District Civil  
Local Rules 6-1(a) and 7-7(b), Defendant Diebold's FRCP 12(b)(6) Motion to Dismiss Plaintiff's  
Claim Against Diebold, Inc. will be continued from March 6, 2009 at 10:00 a.m. to April 3, 2009  
at 10:00 a.m., in the above-entitled Court, located at Courtroom 1, 17th Floor, 450 Golden Gate  
Avenue, San Francisco, California, 94102.

1                   **IT IS SO AGREED AND STIPULATED.**

2           Dated: February 20, 2009

JONES DAY

3  
4                   By:           /s/ Gregory L. Lippetz            
5                               Gregory L. Lippetz

6                   Attorneys for Defendant  
7                   DIEBOLD INC. and PREMIER ELECTION  
8                   SOLUTIONS, INC.

9                   In accordance with General Order No. 45, Rule X, the above signatory attests that  
10                  concurrence in the filing of this document has been obtained from the signatory below.

11           Dated: February 20, 2009

O'MELVENY & MYERS LLP

12                   By:           /s/ Darin W. Snyder            
13                               Darin W. Snyder

14                   Attorneys for Plaintiff  
15                   ARTIFEX SOFTWARE INC.

